FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.9035 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Shri S.M.Kelkar for the petitioner

Shri Tanaji Mhatugade i/by Smt. Vinita V.Bakre-shastri for Respondent Nos.1 to 5.

Coram : R.S.Mohite,J

Date : 02.12.2005.

PC

1. This petition impugns an order dated 17.6.2004 passed below Exh.14 in dispute no.268/2003 passed by the Co-operative court, Pune. The impugned order decides the preliminery issue relating to jurisdiction of the Court against the petitioner and it has been held that the Co-operative Court has

jurisdiction to decide the dispute. It was argued that disputants were not members of the society. Reliance is placed upon averment in the application made for deciding preliminery issue. The question of jurisdiction has to be decided on the averment made by the disputants. It is absolutely clear that the disputants have averred that they are bonafide members of the society. The 2nd point that is sought to be argued is that the relief which is sought pertain to ex-members of the society. It is seen that what is challenged is 3 resolutions which were passed in an Annual General Meeting. There is also a prayer against alienation of the land belonging to the society. In my view, these reliefs touch the business of the society. The 3rd point is that the Registrar has decided the legality of the expulsion under Section 11.

This is not a matter which pertains to jurisdiction of the Court. There is no substance in the petition. Petition is rejected.

(R.S.Mohite,J)